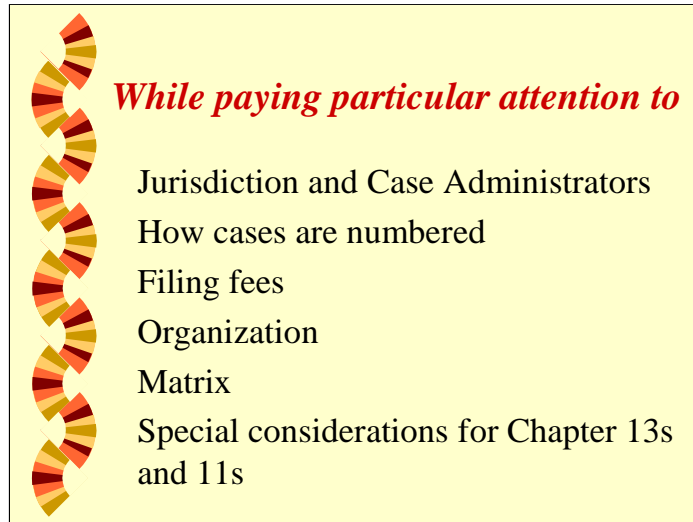


Filing the Petition

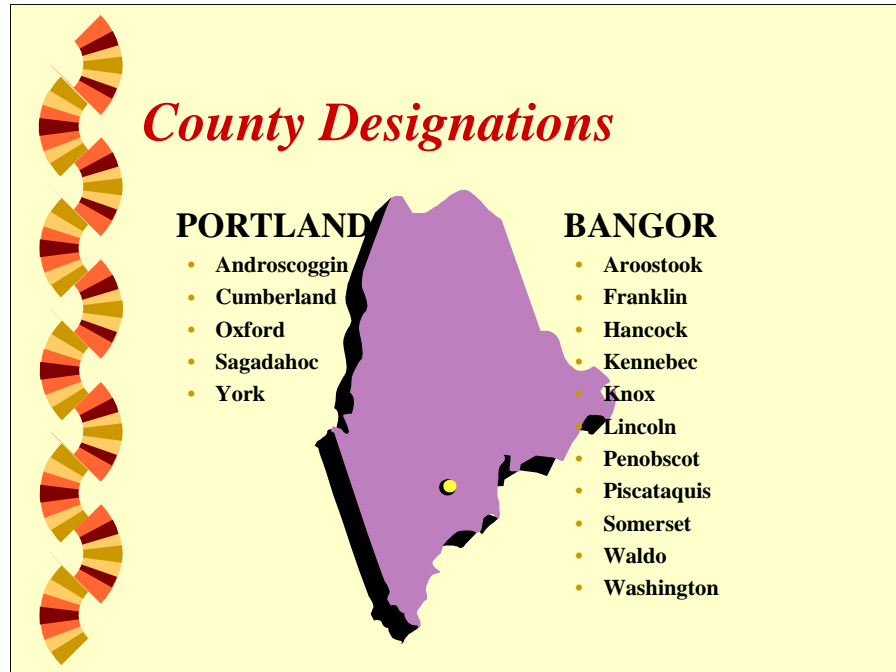
Theresa Yarnold

Good morning, my name is Theresa Yarnold. I'm here this morning to talk about proper procedure for filing bankruptcy petitions. During my presentation I will be referring to several colored sheets which are located in the right hand side of your folders.



Although there are a number of chapters available under the Bankruptcy code, I am going to focus today on the requirements for filing a petition under chapters 7, 13 and 11 while paying particular attention to

- 1) JURISDICTION AND CASE ADMINISTRATORS,
- 2) HOW CASES ARE NUMBERED,
- 3) FILING FEES,
- 4) ORGANIZATION,
- 5) MATRIX, AND
- 6) SPECIAL CONSIDERATIONS FOR PETITIONS FILED UNDER CHAPTER 13 & 11.



First, let's talk about the jurisdiction of the court. As many or all of you may know, the District of Maine is split into two divisional offices - one in Portland and one in Bangor. Let me refer you to the general information sheet in your handouts which lists the counties covered under each divisional office.

Unless a judge is recused from a case, Judge Goodman presides over matters filed in the Portland court and Judge Haines presides over all Bangor matters.



Meet Your Case Administrators

Portland

- Pam Levere
- Judy Lefebvre
- Karyn Scovill
- Karen White
- Theresa Yarnold

Bangor

- Cheryl Dubois
- Linda Kowanick
- Sandy Rice
- Mary-Ellen Scott
- Lori Stocker



Now I'd like to tell you a little bit about the people that manage our cases, the case administrators. A case administrator's job is just what you might imagine - they administer or manage each case filed with the bankruptcy court. Case administrators are assigned bankruptcy cases according to the last digit of the case number. If I may again refer you to the orange General Information Sheet, you will see a list of case administrators and their numbers. This information is subject to change, so please check our web site periodically. If you have questions when you call or visit our office, you may find it helpful to ask for the case administrator handling that particular case, especially if it is a complex matter. But anyone in the clerk's office should be able to answer most of the questions you might have.

How are cases numbered?

Main case

- first two digits are the year
- next five are sequential
 - Bangor cases start with 1
 - Portland cases start with 2
- example:



Adversary proceeding

- first two digits are the year
- next four are sequential
- example:

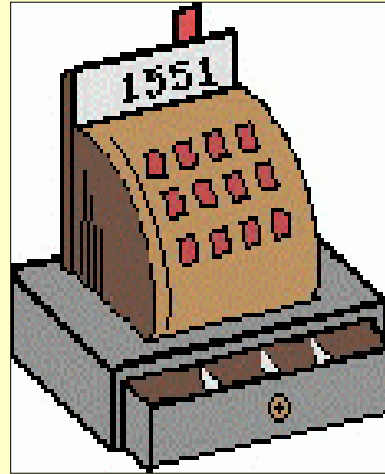


When a new petition is filed with the clerk's office, it is given a case number. To illustrate, the first two digits of the case number represent the year and the remaining 5 numbers are assigned sequentially starting at the beginning of each year. All Bangor case numbers begin with a One - and all Portland case numbers begin with a Two. This is also true for any corresponding adversary proceeding numbers which start with the year and are followed by only 4 digits (instead of 5).

Filing Fees

| | |
|-------------------|--------------|
| Chapter 7 | \$200 |
| Chapter 13 | \$185 |
| Chapter 11 | \$830 |

**PLEASE, NO
PERSONAL
CHECKS!**



Now, let's talk about filing fees. The filing fee for a petition filed under chapter 7 which happens to be the most commonly filed chapter in the District of Maine, is \$200.00. The filing fee for a chapter 13 is \$185.00 and for a petition filed under chapter 11 the filing fee is \$830.00. A copy of the Court's fee schedule has been included in your handouts and it's also available on our website. Acceptable forms of payment are law firm or business check, cash or money order. The court does not accept a personal check.



Chapter 7 & 13 Criteria

DO file an original and three copies of petition and schedules

DO two-hole punch the original at the top

DON'T staple original!

DO staple copies

DON'T attach blue backers!


When you are preparing a chapter 7 or 13 petition please file with the court: An original and three copies of the petition and schedules. Please two hole punch the original at the top, but please do not staple the original. Later this morning, in the automation section of the workshop, David LePauloue will explain why staples can cause problems for us. Copies, however should be stapled, and it is not necessary to attach a blue backer.



Organization


Pages 1 and 2 of petition
Schedules A through J
Summary of Schedules
Declaration concerning debtor's schedules
Statement of financial affairs
Debtor's statement of intention
Disclosure of compensation of attorney for debtor
Verification of creditor matrix

Let's move on to organization. Please refer to the pink information sheet which outlines how the petition and schedules should be organized prior to filing with the Court has been included in your handouts. The forms should be filed in this order: Pages 1 and 2 of the voluntary petition; schedules A through J; the summary of schedules; declaration concerning debtor's schedules; statements, including the statement of financial affairs; debtor's statement of intention (if applicable); disclosure of compensation of attorney for debtor and the verification of the creditor matrix.



Matrix

List names
and
addresses
of creditors
in this
format



Associates Visa
P.O. Box 660370
Dallas, TX 75266-0370

Capital one
P.O. Box 85617
Richmond, VA 23276-0061

Choice Visa
P.O. Box 6702
Sioux Falls, SD 57108-6702

Citi Corp. Visa
C/O NFS INC.
972 Brush Hollow Rd.
P.O. Box 1849
Westbury, NY 11590

Credit Bureau Services of N.H.
P.O. Box 666
Dover, NH 03820-0666

Discover Card
Greenwood Trust Company
P.O. Box 6011
Dover, DE 19903-6011

Fidelity National Bank
P.O. Box 105323
Atlanta, GA 30348-5323

First Consumers National Bank
9310 SW Gemini Drive
Beaverton, Oregon 97078-0001

Fleet Bank of New Hampshire
CT/06/0316
150 Windsor ST
Hartford, CT 06120


J. C. Penney
P.O. Box 32000
Orlando, FL 32890

Lynn McCrossin
81 Main Street Apt#4
Springdale, Me 04083-1505

MBNA America
P.O. Box 15137
Wilmington, DE 19886-5137

Next, I'd like to talk about the matrix. The creditor matrix should only list the names and addresses of creditors in the format shown here. It should be typed in upper and lower case and double-spaced between creditors.

If in doubt, just think of it in terms of how you would address an envelope if you were typing one.

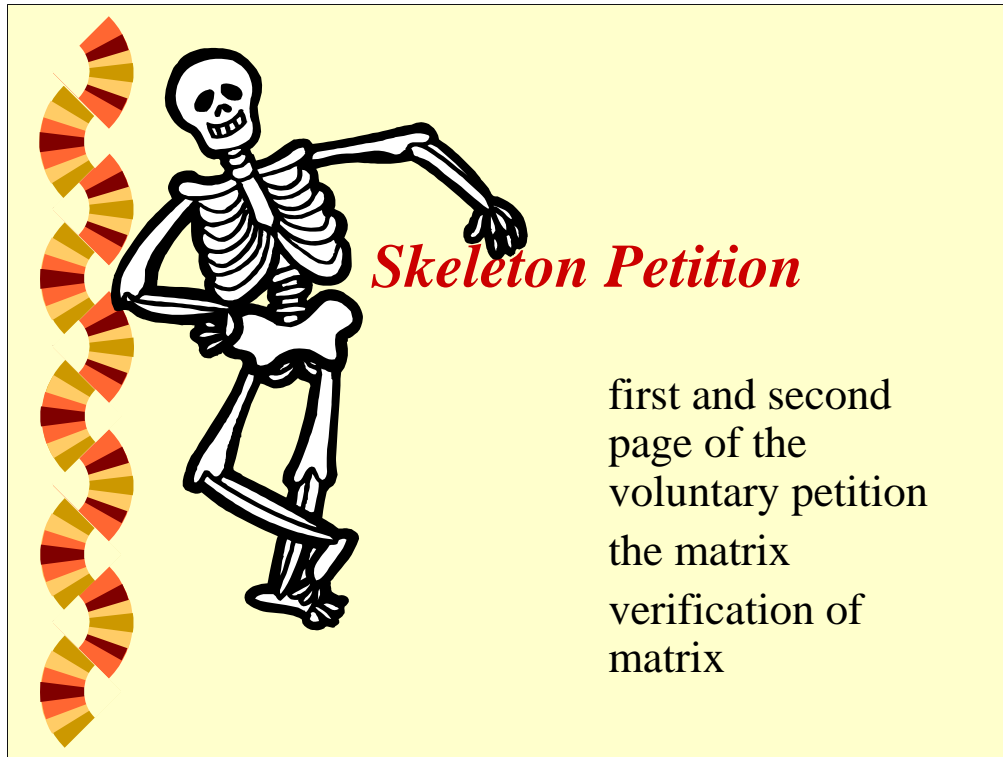


Matrix Do's and Don'ts


DO add the IRS if listed
as a creditor in the
schedules – use the
following address:
IRS
68 Sewall Street, Room 313
Augusta, ME 04330
-- or --
IRS
c/o U.S. Attorney's Office
P.O. Box 9718
Portland, ME 04104-5018

DON'T add the
debtor!
DON'T add the
debtor's attorney!
DON'T add the Maine
Revenue Service!

If the Internal Revenue Service is a creditor, please list them at the addresses which are shown here and are also in your handout. Please do not list the debtor, debtor's attorney or the Maine Revenue Service (formerly, the State of Maine Bureau of Taxation), as our system adds them to each and every case. For these and other helpful tips I encourage you to refer to the purple matrix information sheet in your handouts when preparing to file a matrix with a new petition.



In some cases, an attorney will file what we refer to as a skeleton petition, which consists of the first and second page of the voluntary petition, the matrix, and the verification of matrix. The debtor then has 15 days to file the schedules and statements.



Order to Comply

UNITED STATES BANKRUPTCY COURT
District of Maine

IN RE: _____ Case No: _____
Chapter: _____

**ORDER TO COMPLY WITH BANKRUPTCY RULES 1007 AND 3015(b)
AND NOTICE OF INTENT TO DISMISS CASE UNDER 11 U.S.C. § 109(g)(1)**

To Debtor and Debtor's Attorney of Record:

YOU FAILED TO FILE THE FOLLOWING DOCUMENTS OR THE FOLLOWING DOCUMENTS WERE INCOMPLETE:

Schedules: A, B, C, D, E, F, G, H, I, J _____
Signed Statement of Financial Affairs _____
List of debtor's equity security holders of each class showing the number and kind of interests registered in the name of each holder, and the last known address or place of business of each holder (Chapter 11 Cases Only) _____
Chapter 13 Plan _____
Other _____

Even if the indicated documents are not applicable to your particular situation, they must be filed with the notation "None" marked thereon.

According to Bankruptcy Rules 1007 and 3015(b), within fifteen (15) days after you filed the petition, **YOU MUST EITHER:**

(1) File the above-reference documents and the proper number of copies (D-ME, LBR 1002-2(a)(1) and (2)):
Chapter 7/12/13 - 1 Original and 3 Copies
Chapter 9/11 - 1 Original and 6 Copies
OR

(2) File and serve a motion for an order extending the time to file the required document(s). If you make such a motion and it is denied, your case will be dismissed either after the 15 days have expired or at the time of denial of the motion, whichever occurs later.

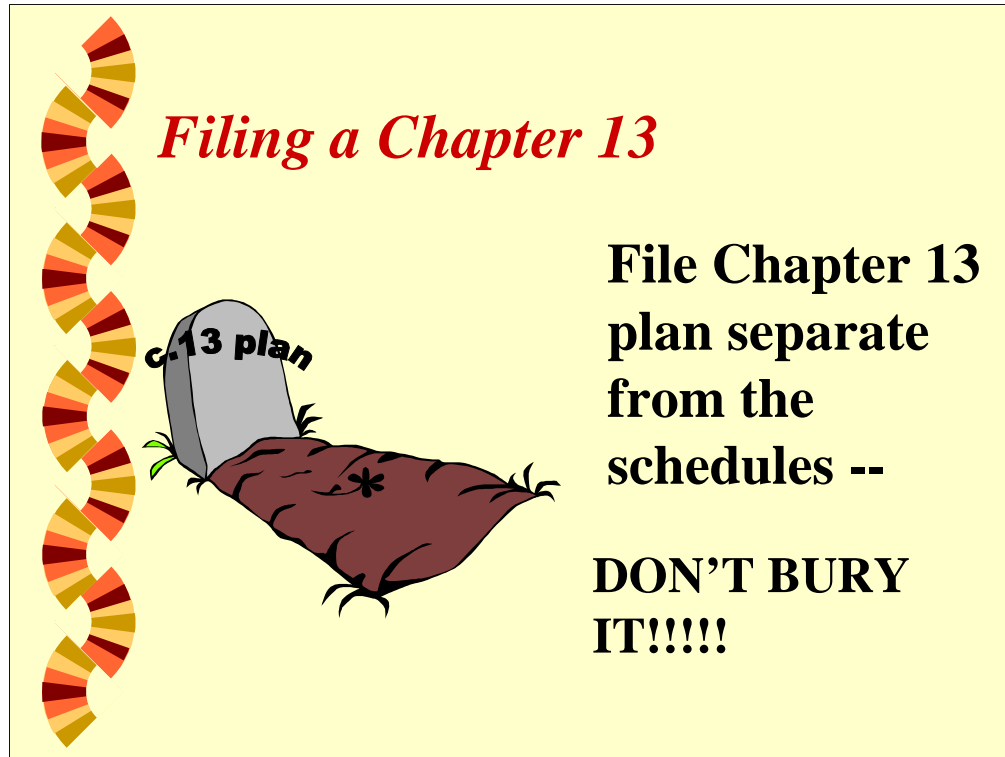
IF YOU DO NOT COMPLY, in a timely manner with either of the above alternatives, the Court will:

a. Dismiss your case without further notice; and
b. Consider this a willful failure to abide by a court order within the meaning of 11 U.S.C. § 109(g)(1). This means that if you are an individual or a family farmer (11 U.S.C. § 109(g)(3)), you will not be eligible to file another bankruptcy petition for 180 days.

BY ORDER OF THE COURT
Dated: _____ James A. Goodman
U.S. Bankruptcy Judge

Schedules are
due within 15
days of the
Order to
Comply

The court will prepare and mail to the debtor, the debtor's counsel, the trustee and the U.S. Trustee an order to comply which sets a deadline for filing the schedules. If you won't be able to file the remaining schedules, and/or chapter 13 plan, within the required 15 days of filing, a motion to extend time must be filed before the deadline has expired. If the schedules/plan are not timely filed, an order to show cause will be issued which could result in the case being dismissed.



Now, I'd like to say a few words about special considerations for filing a petition under chapter 13 and 11. When you're filing a chapter 13 petition which includes the chapter 13 plan, please file the plan as a separate document and do not attach it to or bury it in the schedules. The case administrator who handles the case will docket it as a separate document, and we wouldn't want it to get overlooked.



Chapter 11s

Original and five (5) copies of petition and schedules

List names, addresses, and phone numbers of 20 largest unsecured creditors

Attach exhibit “A” to petition if the debtor-in-possession is a corporation

When you’re filing a petition under chapter 11, please file an original and five copies of the petition and schedules as well as a list of the names, addresses and phone numbers of the twenty largest unsecured creditors. Please attach exhibit “A” to the petition if the debtor-in-possession is a corporation. Local rule 1002(b)(1) requires that a corporate petition must include a copy of the board of directors’ resolution or other evidence of the agent’s authorization to file a petition on behalf of that corporation.

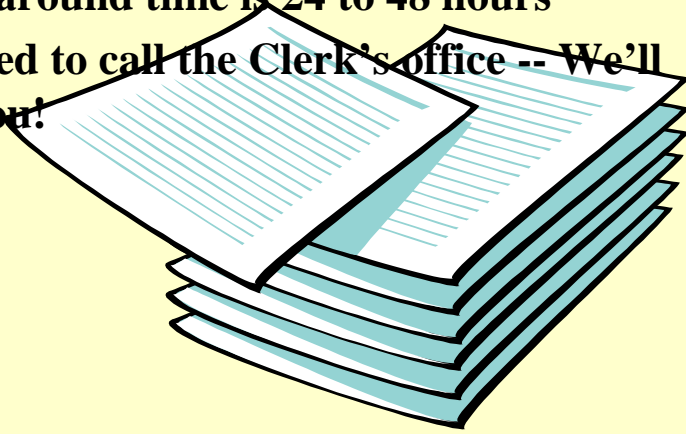


Photocopy requests

Must be submitted in writing or by fax

Turn around time is 24 to 48 hours

No need to call the Clerk's office -- We'll call you!



And finally, I'd like to tell you that we have revised our photocopy request form and have included a copy of it in your information packets. As many of you know, our photocopy request policy requires that you submit a written or faxed request with the Clerk's office where the case file is located. The new request form includes both the address and fax number for the Clerk's office in Portland and Bangor. We make it a priority to turn the requests around as quickly as possible, however, larger copy requests may take up to 48 hours to complete. You will receive a phone call letting you know that the copies have been made and once payment is received, we will forward them to your office.



It has been my pleasure to meet with you all today and I hope you found this portion of the workshop to be helpful and informative.

Next, Sandra Rice will talk about 341 notices, the bankruptcy noticing center, motions for relief from stay and conversions.